



General Assembly

January Session, 2003

***Raised Bill No. 6518***

LCO No. 3274

Referred to Committee on Human Services

Introduced by:  
(HS)

***AN ACT CONCERNING VOLUNTARY PATERNITY ESTABLISHMENT.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-27 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2003*):

3 (a) Each hospital or other institution where births occur, and each  
4 entity that agrees to participate in the voluntary paternity  
5 establishment program, shall develop a protocol for a [hospital-based]  
6 voluntary [acknowledgment of] paternity establishment program as  
7 provided in regulations adopted pursuant to subsection (b) of this  
8 section, which shall be consistent with the provisions of subsection (a)  
9 of section 46b-172 and shall encourage the positive involvement of  
10 both parents in the life of the child. Such protocol shall assure that the  
11 participants are informed, are competent to understand and agree to  
12 an affirmation or acknowledgment of paternity, and that any such  
13 affirmation or acknowledgment is voluntary and free from coercion.

14 (b) The Commissioner of Social Services shall adopt regulations in  
15 accordance with chapter 54 to implement the provisions of subsection  
16 (a) of this section. Such regulations shall specify the requirements for

17 participation in the voluntary paternity establishment program and  
 18 shall include, but not be limited to, provisions (1) to assure that  
 19 affirmations of paternity by the mother and acknowledgments of  
 20 paternity by the putative father are voluntary and free from coercion,  
 21 and (2) to establish the contents of notices which shall be provided to  
 22 the mother and to the putative father before affirmation or  
 23 acknowledgment. The notice to the mother shall include, but not be  
 24 limited to, notice that the affirmation of paternity may result in rights  
 25 of custody and visitation, as well as a duty of support, in the person  
 26 named as the father. The notice to the putative father shall include, but  
 27 not be limited to, notice that: (1) [he] He has the right to: (A) Establish  
 28 his paternity voluntarily through court action, or to contest paternity; [,  
 29 including the right to] (B) appointment of counsel; [,] (C) a genetic test  
 30 to determine paternity [,] prior to signing an acknowledgement or in  
 31 conjunction with a court action; and (D) a trial by the Superior Court  
 32 or a family support magistrate, and [that] (2) acknowledgment of  
 33 paternity will make him liable for the financial support of the child  
 34 until the child's eighteenth birthday and may result in rights of  
 35 custody and visitation being conferred with the father. In no event  
 36 shall the mother's failure to sign an affirmation of paternity in the  
 37 hospital or with any other entity agreeing to participate in the  
 38 voluntary paternity establishment program be considered failure to  
 39 cooperate with the establishment of support for the purposes of  
 40 eligibility for temporary assistance for needy families.

41 (c) The Department of Public Health shall establish a voluntary  
 42 acknowledgment of paternity system consistent with the provisions of  
 43 subsection (a) of section 46b-172.

44 Sec. 2. Subdivision (5) of subsection (a) of section 17b-745 of the  
 45 general statutes is repealed and the following is substituted in lieu  
 46 thereof (*Effective October 1, 2003*):

47 (5) (A) Said court or family support magistrate shall also have  
 48 authority to make and enforce orders for the payment by any person

49 named herein of unpaid support contributions for which any such  
50 person is liable in accordance with the provisions of subsection (b) of  
51 section 17b-179, or section 17a-90, 17b-81, 17b-223, 46b-129 or 46b-130  
52 or, in IV-D cases, to order such person, provided such person is not  
53 incapacitated, to participate in work activities which may include, but  
54 shall not be limited to, job search, training, work experience and  
55 participation in the job training and retraining program established by  
56 the Labor Commissioner pursuant to section 31-3t.

57 (B) In the determination of support due based on neglect or refusal  
58 to furnish support prior to the action, the support due for periods of  
59 time prior to the action shall be based upon the obligor's ability to pay  
60 during such prior periods, as determined in accordance with the child  
61 support and arrearage guidelines established pursuant to section 46b-  
62 215a. The state shall disclose to the court any information in its  
63 possession concerning current and past ability to pay. [With respect to  
64 such orders entered on or after October 1, 1991, if] If no information is  
65 available to the court concerning past ability to pay, the court may  
66 determine the support due for periods of time prior to the action as if  
67 past ability to pay is equal to current ability to pay, if current ability is  
68 known. [or, if not known, based upon assistance rendered to the child.]  
69 If current ability to pay is not known, the court shall determine the  
70 past ability to pay based on the obligor's work history if known, or if  
71 not known, on the state minimum wage that was in effect during such  
72 periods, provided only actual earnings shall be used to determine  
73 ability to pay for past periods during which the obligor was a full-time  
74 high school student or was incarcerated, institutionalized or  
75 incapacitated.

76 (C) Any finding [as to] of support due for periods of time prior to  
77 [the action which is made without information concerning past ability  
78 to pay] an action shall be entered subject to adjustment. [when such  
79 information becomes available to the court.] Such adjustment may be  
80 made upon motion of any party, [within four] and the state shall make  
81 such motion if it obtains information that would have substantially

82 affected the court's determination of past ability to pay if such  
83 information had been available to the court. Motion for adjustment  
84 under this subparagraph may be made not later than twelve months  
85 from the date upon which the obligor receives notification of (i) the  
86 amount of such finding of support due for periods of time prior to the  
87 action, and (ii) the right [within four] not later than twelve months  
88 from the date of receipt of such notification to present evidence as to  
89 such obligor's past ability to pay support for such periods of time prior  
90 to the action. A copy of any support order entered, subject to  
91 adjustment, that is provided to each party under subsection (c) of this  
92 section, shall state in plain language the basis for the court's  
93 determination of past support, the right to an adjustment to present  
94 information concerning the obligor's past ability to pay, and the  
95 consequences of a failure to request such adjustment.

96 Sec. 3. Subdivision (7) of subsection (a) of section 46b-215 of the  
97 general statutes is repealed and the following is substituted in lieu  
98 thereof (*Effective October 1, 2003*):

99 (7) (A) Said court or family support magistrate shall also have  
100 authority to determine, order and enforce payment of any support due  
101 because of neglect or refusal to furnish support prior to the action.

102 (B) In the determination of support due based on neglect or refusal  
103 to furnish support prior to the action, the support due for periods of  
104 time prior to the action shall be based upon the obligor's ability to pay  
105 during such prior periods, as determined in accordance with the child  
106 support and arrearage guidelines established under section 46b-215a.  
107 The state shall disclose to the court any information in its possession  
108 concerning current and past ability to pay. [With respect to such orders  
109 entered into on or after October 1, 1991, if] If no information is  
110 available to the court concerning past ability to pay, the court may  
111 determine the support due for periods of time prior to the action as if  
112 past ability to pay is equal to current ability to pay, if current ability is  
113 known. [or, if not known, based upon assistance rendered to the child.]

114 If current ability to pay is not known, the court shall determine the  
 115 past ability to pay based on the obligor's work history, if known, or if  
 116 not known, on the state minimum wage that was in effect during such  
 117 periods, provided only actual earnings shall be used to determine  
 118 ability to pay for past periods during which the obligor was a full-time  
 119 high school student or was incarcerated, institutionalized or  
 120 incapacitated.

121 (C) Any finding [as to] of support due for periods of time prior to  
 122 [the] an action [which is made without information concerning past  
 123 ability to pay] in which the obligor failed to appear shall be entered  
 124 subject to adjustment. [when such information becomes available to  
 125 the court.] Such adjustment may be made upon motion of any party,  
 126 [within four] and the state shall make such motion if it obtains  
 127 information that would have substantially affected the court's  
 128 determination of past ability to pay if such information had been  
 129 available to the court. Motion for adjustment under this subparagraph  
 130 may be made not later than twelve months date from the date upon  
 131 which the obligor receives notification of (i) the amount of such  
 132 finding of support due for periods of time prior to the action, and (ii)  
 133 the right [within four] not later than twelve months from the date of  
 134 receipt of such notification to present evidence as to such obligor's past  
 135 ability to pay support for such periods of time prior to the action. A  
 136 copy of any support order entered, subject to adjustment, shall state in  
 137 plain language the basis for the court's determination of past support,  
 138 the right to an adjustment to present information concerning the  
 139 obligor's past ability to pay, and the consequences of a failure to  
 140 request such adjustment.

141 Sec. 4. (NEW) (*Effective October 1, 2003*) Notwithstanding any  
 142 provisions of the general statutes, whenever a child support obligor is  
 143 institutionalized or incarcerated, the Superior Court or a family  
 144 support magistrate shall establish an initial order for current support,  
 145 or modify an existing order for current support, upon proper motion,  
 146 based upon the obligor's present income in accordance with the child

147 support guidelines established pursuant to section 46b-215a of the  
148 general statutes.

149 Sec. 5. Section 52-362j of the general statutes is repealed and the  
150 following is substituted in lieu thereof (*Effective October 1, 2003*):

151 For the purposes of sections 52-362d, 52-362e, 52-362g, and 52-362h:

152 (1) "Past-due support" means any one or a combination of the  
153 following: (A) Court ordered current support or arrearage payments  
154 which have become due and payable and remain unpaid; (B) unpaid  
155 support which has been reduced to a judgment or otherwise found to  
156 be due by a court of competent jurisdiction, whether or not presently  
157 payable; (C) support due for periods prior to an action to establish a  
158 child support order. [ provided such amounts are based upon the  
159 obligor's ability to pay during the prior periods if known or, if not  
160 known, on the obligor's current ability to pay if known, or, if not  
161 known, upon assistance rendered to the obligor's child.]

162 (2) "Overdue support" means a delinquency accruing after the entry  
163 of an initial court order establishing a child support obligation.

This act shall take effect as follows:	
Section 1	<i>October 1, 2003</i>
Sec. 2	<i>October 1, 2003</i>
Sec. 3	<i>October 1, 2003</i>
Sec. 4	<i>October 1, 2003</i>
Sec. 5	<i>October 1, 2003</i>

**HS**            *Joint Favorable*

**JUD**          *Joint Favorable*